

Calendar No. 406

105TH CONGRESS }
2d Session }

SENATE

{ REPORT
105-228

LAKE CHELAN NATIONAL RECREATION AREA

JUNE 26, 1998.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural
Resources, submitted the following

REPORT

[To accompany S. 1683]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1683) to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. BOUNDARY ADJUSTMENTS, LAKE CHELAN NATIONAL RECREATION AREA AND WENATCHEE NATIONAL FOREST, WASHINGTON.

(a) BOUNDARY ADJUSTMENTS.—

(1) LAKE CHELAN NATIONAL RECREATION AREA.—The boundary of the Lake Chelan National Recreation Area, established by section 202 of Public Law 90-544 (16 U.S.C. 90a-1), is hereby adjusted to exclude a parcel of land and waters consisting of approximately 88 acres, as depicted on the map entitled “Proposed Management Units, North Cascades, Washington”, numbered NP-CAS-7002A, originally dated October 1967, and revised July 13, 1994.

(2) WENATCHEE NATIONAL FOREST.—The boundary of the Wenatchee National Forest is hereby adjusted to include the parcel of land and waters described in paragraph (1).

(3) AVAILABILITY OF MAP.—The map referred to in paragraph (1) shall be on file and available for public inspection in the offices of the superintendent of the Lake Chelan National Recreation Area and the Director of the National Park Service, Department of the Interior, and in the office of the Chief of the Forest Service, Department of Agriculture.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over Federal land and waters in the parcel covered by the boundary adjustments in subsection (a) is transferred from the Secretary of the Interior to the Secretary of Agriculture, and the transferred land and waters shall be managed by the Secretary of

Agriculture in accordance with the laws and regulations pertaining to the National Forest System.

(c) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Wenatchee National Forest, as adjusted by subsection (a), shall be considered to be the boundaries of the Wenatchee National Forest as of January 1, 1965.

PURPOSE

S. 1683, as ordered reported, would transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest.

BACKGROUND AND NEED

Aproximately 88 acres of private property along Lake Chelan, located about 100 miles east of Seattle, Washington, is bisected by the boundary of the Lake Chelan National Recreation area. Most of this property is located within the Wenatchee National Forest, however, approximately 23 acres lie within the Lake Chelan National Recreation Area, which is administered by the National Park Service.

Prior to the 1968 establishment of the Lake Chelan National Recreation Area, the private landowner was assured that his property would not be included in the new Park unit, but would remain under the jurisdiction of the Forest Service. When the boundary was drawn, however, it bisected the property, leaving a portion under the jurisdiction of the Forest Service and transferring a portion to the Park Service. It is not normal for private land to be bisected by a federal boundary.

For nearly 20 years, the private landowner was subject to split jurisdiction. After reviewing the Draft Land Protection Plan for the Lake Chelan National Recreation Area in 1987, he wrote to the Park Superintendent explaining his predicament and noting that the boundary line should have been drawn to the Northwest of his property. Subsequently, the Superintendent advised the property owner that the best solution was a formal boundary adjustment by Congress.

S. 1683 transfers jurisdiction of about 23 acres of the land, and approximately 65 acres of submerged land, from the Lake Chelan National Recreation Area to the Wenatchee National Forest. This is a minor adjustment, amounting to just over one-tenth of one percent of the total land in the Lake Chelan National Recreation Area.

LEGISLATIVE HISTORY

S. 1683 was introduced on February 26, 1998, by Senator Gorton, and was referred to the Committee on Energy and Natural Resources. The Subcommittee on Forests and Public Land Management held a hearing on S. 1683 on March 25, 1998. At a business meeting on May 13, 1998, the Committee on Energy and Natural Resources ordered S. 1683, as amended, favorably reported.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on May 13, 1998, by unanimous vote of a

quorum present recommends that the Senate pass S. 1683, if amended as described herein.

The rollcall vote on reporting the measure was 20 yeas, no nays as follows:

YEAS	NAYS
Mr. Murkowski	
Mr. Domenici	
Mr. Nickles ¹	
Mr. Craig	
Mr. Campbell	
Mr. Thomas	
Mr. Kyl	
Mr. Grams ¹	
Mr. Smith	
Mr. Gorton	
Mr. Burns ¹	
Mr. Bumpers	
Mr. Ford	
Mr. Bingaman	
Mr. Akaka	
Mr. Dorgan ¹	
Mr. Graham ¹	
Mr. Wyden	
Mr. Johnson	
Ms. Landrieu	

¹ Indicates vote by proxy.

COMMITTEE AMENDMENT

During the consideration of S. 1683 the Committee adopted an amendment in the nature of a substitute offered by Senator Gorton. The amendment makes technical corrections to address concerns raised by the Administration, adds a citation to the public law which established the Lake Chelan National Recreation Area, and provides a more precise description of the area to be transferred.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 18, 1998.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1683, a bill to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest.

If you wish further details on this estimate, we will be pleased to provide them.

The CBO staff contact is Victoria V. Heid.

Sincerely,

JUNE E. O'NEILL, *Director*.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1683—A bill to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest

CBO estimates that enacting this bill would have no significant impact on the federal budget. Because S. 1683 would not affect direct spending or receipts, pay-as-you-go procedures would not apply. S. 1683 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would not affect the budgets of state, local, or tribal governments.

S. 1683 would transfer jurisdiction over certain land and water in the state of Washington from the Secretary of the Interior to the Secretary of Agriculture. The bill would adjust the boundary of the Lake Chelan National Recreation Area to exclude a parcel of land and water consisting of about 23 acres of private property and about 60 acres of the surface of Lake Chelan, which is owned by the federal government. The bill would adjust the boundary of the Wenatchee National Forest, managed by the U.S. Forest Service in the Department of Agriculture, to include that same parcel. The private property that would be transferred is currently within the boundaries of both the Lake Chelan Recreation Area and the Wenatchee National Forest. Transferring jurisdiction for that land between agencies would allow the private property to be under the jurisdiction of a single public land unit. We estimate that implementing this jurisdictional transfer would have no net impact on the federal budget.

The CBO staff contact for this estimate is Victoria V. Heid. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

The bill is not a regulatory measure in the sense of imposing Government established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little if any additional paperwork would result from enactment of S. 1683.

EXECUTIVE COMMUNICATIONS

Legislative reports from the Department of Agriculture and the Office of Management and Budget setting forth Executive agency recommendations on S. 1683 were unavailable at the time the report on S. 1683 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional

Record for the advice of the Senate. The testimony provided by the Forest Service at the Subcommittee hearing follows:

STATEMENT OF ELEANOR TOWNS, FOREST
SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to present the Administration's testimony.

S. 1683. WENATCHEE NATIONAL FOREST BOUNDARY
ADJUSTMENT AND TRANSFER OF JURISDICTION

S. 1683 would transfer jurisdiction of approximately 88 acres of land, including approximately 56.7 acres of public land under the surface of Lake Chelan, from the Secretary of the Interior to the Secretary of Agriculture.

The Administration supports the bill, if amended, to provide relief to a private landowner whose property is currently within the boundaries of the Lake Chelan National Recreation Area, administered by the Department of the Interior, and the Wenatchee National Forest, administered by the Department of Agriculture. The landowner would prefer to be within the boundary of one public land unit, specifically the National Forest. To address this problem, the bill would transfer jurisdiction of lands between agencies, but, as written, would not accomplish the needed adjustment to the administrative boundary of the Wenatchee National Forest in order to include approximately 23.3 acres of private land.

The Administration would propose technical amendments to accomplish the boundary adjustment and to correct the number of acres represented in the transfer. It is our understanding that the map described in Section 1(b) only provides for the transfer of 80 acres. With these amendments, we support the change in management jurisdiction.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1683, as ordered reported.